

Remarks

Applicants respectfully request reconsideration of the present application in view of the following remarks.

The Office Action Summary states that claims 1, 2, 4-7 and 9-24 are pending in the application, and that claims 9, 13, and 16-24 are withdrawn from consideration. The Office Action further states that claims 1, 2, 4-7, 10-12, 14 and 15 are rejected.

In the Detailed Action section, it is stated that claims 1, 4-8, and 10-12 have been rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 4,468,416 to Asano et al. ("Asano"), and further that claim 2 has been rejected under 35 U.S.C. § 103(a) as obvious over Asano as applied to claims 1, 4-7, 10-12, 14 and 15. However the Detailed Action section includes no specific basis for the rejection of claims 14 and 15. Applicants respectfully request clarification of this omission.

Asano discloses an electrolytic electrode that includes: (1) a substrate formed of titanium or a titanium-based alloy, (2) an intermediate layer comprising an electrically conductive oxide of tantalum and/or niobium having a valency of 5 coated on the substrate at a thickness of 0.001 to 2 g/m² based on the metal, and (3) an electrochemically active surface layer formed on the intermediate layer and comprising a platinum group metal oxide or a mixed oxide of a platinum group metal oxide and a valve metal oxide.

The metal alloy of the present invention, which is useful for the formation of an electrode, comprises at least two metal elements and is capable of forming a surface metal oxide layer that is conductive. The alloy is selected from the group consisting of Y-Ba-Cu, La-Sr-Co, La-Sr-Cr, La-Sr-V, La-Ca-Mn, La-Sr-Mn, La-Nd-Ni, Ti-V, Ti-W, Ti-Mo, Cr-Ta, Cr-Nb, Cr-Ti, Cr-Zr, Sr-V, Cu-Ti, Cu-Fe, Cu-Mn, Cu-Al, Cu-Si, Sn-Sb, Sn-In, Ni-Li, and combinations thereof.

Asano does not teach or suggest a metal alloy that is selected, as required by claim 1 of the instant application, from the group consisting of Y-Ba-Cu, La-Sr-Co, La-Sr-Cr, La-Sr-V, La-Ca-Mn, La-Sr-Mn, La-Nd-Ni, Ti-V, Ti-W, Ti-Mo, Cr-Ta, Cr-Nb, Cr-Ti, Cr-Zr, Sr-V, Cu-Ti, Cu-Fe, Cu-Mn, Cu-Al, Cu-Si, Sn-Sb, Sn-In, Ni-Li, and combinations thereof. In addition and in further contrast to the present invention, Asano requires an intermediate layer comprising conductive oxides of niobium and/or tantalum, elements that are absent in applicants' alloy. Asano further requires an electrochemically active surface layer formed on the intermediate layer and comprising an oxide of a platinum group metal, also absent in the alloy of the present invention.

As noted above, the alloy Ti-Mo is included in the Markush group recited in instant claim 1. In the Office Action, the Examiner asserted that "Ti-Mo is expected to have substantially the same properties as those Ti-Ta-Nb, Ti-Ta, and Ti-Nb alloys exemplified by Asano." In support of this assertion, the Examiner referred to "prior art compounds essentially 'bracketing' the claimed compounds in structural similarity," stating that "compounds similar in structure will have similar properties." The applicants do not understand how compounds Ti-Ta-Nb,

Ti-Ta, and Ti-Nb of Asano can be regarded as "bracketing" Ti-Mo of instant claim

1. Both Ta and Nb are in Group 5 of the Periodic Table, while Mo is in Group 6.

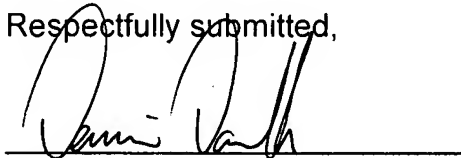
In light of the foregoing remarks, it is clear that the teaching of Asano neither anticipates nor renders obvious the metal alloy claimed by the Applicants. Withdrawal of the § 102(b) and § 103(a) rejection of the claims is therefore respectfully requested.

Conclusion

Claims 1, 2, 4-7, 10-12, 14 and 15 remain in this case. Applicants believe that these claims are in condition for allowance, which is respectfully requested. Should the Examiner feel that any unresolved issues remain in this case, he is invited to contact the undersigned at the telephone number listed below.

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Respectfully submitted,



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